

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

JOHN DOE,

Plaintiff,

v.

PROMEDICA HEALTH SYSTEM, INC.,

Defendant.

CASE NO. 3:20-cv-01581-JZ

Judge Jack Zouhary

DECLARATION OF DEBI BROBST

I, Debi Brobst, make this declaration pursuant to 28 U.S.C. § 1746 and hereby declare and state as follows:

1. I am currently the Chief Information Officer at ProMedica Health System, Inc. My responsibilities in this position include, among other things, managing projects and programs for ProMedica's electronic health records. This included helping to oversee ProMedica's involvement in the Meaningful Use Program, which is now known as the Promoting Interoperability Program. I have personal knowledge of the information set forth in this declaration and could testify to these matters if asked to do so.
2. ProMedica Health System hospitals and physicians have participated in the federal Meaningful Use Program since 2013. In that same year ProMedica hired a Meaningful Use Program coordinator specifically to manage ProMedica's meeting the federal Meaningful Use requirements.
3. As part of its participation in the Meaningful Use Program, ProMedica created a patient portal for use by its patients called MyChart. Upon accessing into their MyChart medical record, whether through an application on their personal device or online, a ProMedica

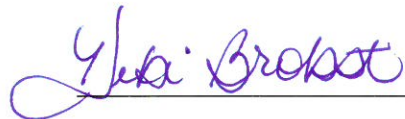
patient has access to their medical information from ProMedica, including medical test results, and can now voluntarily choose to link their medical records from several different providers in their MyChart patient portal.

4. Each year ProMedica submitted reports on ProMedica's involvement in the Meaningful Use program to the Center for Medicare & Medicaid Services (CMS) through the QualityNet Secure Portal, also known as QNet. These reports were made specifically to meet federal Meaningful Use requirements and included submissions regarding the MyChart patient portal and ProMedica's patients' use of the MyChart portal.
5. In the years that ProMedica has satisfied the Meaningful Use Program criteria ProMedica and its hospitals and providers have received incentive payments from the federal government for their use of MyChart and the patient portal, and avoided disincentives in the form of reductions to their federal fee-for-service reimbursements. We have been successful in meeting these federal criteria at least in part because of increased patient awareness and increased patient use of the MyChart patient portal.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: September 3, 2020

Toledo, Ohio



Debi Brobst